

<p>UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK -----X SHENEA JAMES, as Administrator of the Estate of DEDRICK JAMES, Deceased, and SHENEA JAMES, Individually, Plaintiff, - against - Case No: 23-CV-0657 THE UNITED STATES OF AMERICA, CITY OF ROCHESTER, RPD INVESTIGATOR RICHARD ARROWOOD, "JOHN DOE RPD OFFICERS 1-10" (names and number of whom are unknown at present), MONROE COUNTY SHERIFF TODD BAXTER, MSCO SERGEANT CHRISTIAN DEVINNEY, RICHARD ROD, "SHERIFF'S DEPUTIES 1-10" (names and number of whom are unknown at present) NYSP INVESTIGATOR JEFFREY ULATOWSKI and other unidentified members of the ROCHESTER POLICE DEPARTMENT, MONROE COUNTY SHERIFF'S OFFICE, and NEW YORK STATE POLICE, Defendants. -----X October 4, 2024 11:00 A.M. DEPOSITION OF RICHARD ARROWOOD, one of the Defendants herein, taken by the attorney for the Plaintiff, pursuant to Notice, held via web conference at the above date and time before Sharon Cassidy, a Stenotype Reporter and Notary Public within and for the State of New York. * * * * *</p> <p>1</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>FEDERAL STIPULATIONS IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, through their respective Counsel, that the certification, sealing and filing of the within examination will be and the same are hereby waived; IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question, will be reserved to the time of the trial; IT IS FURTHER STIPULATED AND AGREED that the within examination may be signed before any Notary Public with the same force and effect as if signed and sworn to before the Court.</p> <p>3</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>A P P E A R A N C E S: ROTH & ROTH, LLP Attorneys for the Plaintiff 192 Lexington Avenue, Suite 802 New York, New York 10016 BY: ELLIOT SHIELDS, ESQ. UNITED STATES ATTORNEY'S OFFICE WESTERN DISTRICT OF NEW YORK Attorneys for the Defendant The United States of America 138 Delaware Avenue Buffalo, New York 14202 BY: MICHAEL S. CERRONE, ESQ. LAW DEPARTMENT OF CITY HALL OF ROCHESTER Attorneys for the Defendant City of Rochester 30 Church Street, Room 412A Rochester, New York 14614 BY: JOHN M. CAMPOLIETO, ESQ.</p> <p>2</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>THE REPORTER: It is hereby stipulated and agreed by and between counsel for all parties present that this deposition is being conducted remotely by video conference, and that the court reporter, witness and all counsel are in separate remote locations and participating via Zoom or any web conference meeting platform under the control of Bee Reporting Agency, Inc. It is further stipulated that this videoconference will not be recorded in any manner and that any recording without the express written consent of all parties shall be considered unauthorized, in violation of law and shall not be used for any purpose in this litigation or otherwise. Before I swear in the witness, I will ask each counsel to stipulate on the record that I, the court reporter, may swear in the witness even though I am not physically in the presence of the witness and that there is no objection to that at</p> <p>4</p>

<p>1 2 this time, nor will there be an objection 3 at a future date. 4 MR. SHIELDS: No objection. 5 MR. CAMPOLIETO: No objection. 6 MR. CERRONE: No objection. 7 THE REPORTER: Mr. Arrowood, can you 8 please produce government-issued ID? 9 MR. ARROWOOD: (Complying.) 10 (Whereupon, the Witness presented 11 government issued ID as identification.) 12 THE REPORTER: Thank you. 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">5</p>	<p>1 Richard Arrowood 2 Q. My understanding before was that they 3 didn't have a title for Detective; is that 4 right? 5 A. Say that again. 6 Q. I just didn't know that there was a 7 role with the RPD, Detective, you know, just a 8 label of your job title. I had this 9 conversation with other officers I deposed 10 before and they said, oh, no, we don't have the 11 title of Detective at the RPD, so that is why I 12 was confused. 13 A. Yes, they just changed the title. 14 Q. From Investigator to Detective? 15 A. Correct. 16 Q. So my first question for you is, have 17 you ever given testimony at a civil deposition 18 like this before? 19 A. Not that I recall. 20 Q. But you have testified in court in 21 criminal cases? 22 A. Correct. 23 Q. I am going to go over some ground 24 rules before we get started. The most important 25 thing is that you and I don't speak at the same</p> <p style="text-align: right;">7</p>
<p>1 2 RICHARD ARROWOOD, 3 The witness herein, having first been 4 duly sworn or affirmed by Sharon Cassidy, a 5 Notary Public within and for the State of New 6 York, was examined and testified as follows: 7 DIRECT EXAMINATION BY ELLIOT SHIELDS, ESQ.: 8 Q. Please state your name for the record. 9 A. Richard Arrowood. 10 Q. Please state your current business 11 address for the record. 12 A. 185 Exchange Boulevard, Rochester, New 13 York. 14 Q. Good morning, Investigator. 15 A. Good morning. 16 Q. Is it Investigator, is that the 17 correct title? 18 A. As of a few days ago. It is Detective 19 now. 20 Q. Detective, does that mean you are no 21 longer with the RPD? 22 A. Yes, I am still with the RPD. 23 Q. So did they change the titles for 24 their roles with the RPD then? 25 A. They changed the name of it.</p> <p style="text-align: right;">6</p>	<p>1 Richard Arrowood 2 time, and that's for the court reporter to get 3 everything down in the little book that will be 4 used at the trial in this case. 5 A. Okay. 6 Q. If there is anything that I ask you 7 that you don't understand, please tell me and I 8 will gladly rephrase my question for you. 9 A. Okay. 10 Q. Can you give me an estimate about how 11 many times you have testified in court before? 12 A. Hundreds. 13 Q. Same general rules as when you 14 testified in court. 15 A. Okay. 16 Q. Can you tell me everything that you 17 did to prepare for today's deposition? 18 A. I met with John and reviewed a few 19 reports. 20 Q. When did you meet with John? Don't 21 tell me anything you talked about, obviously 22 that is privileged. When was that meeting? 23 A. Yesterday. 24 Q. About how long was it? 25 A. Half-hour maybe.</p> <p style="text-align: right;">8</p>

<p>1 Richard Arrowood</p> <p>2 Q. In preparation for your deposition,</p> <p>3 did you speak with anyone else about the case?</p> <p>4 A. No.</p> <p>5 Q. Did you ever speak with any other task</p> <p>6 force members about this lawsuit?</p> <p>7 A. I am sure it has come up in</p> <p>8 conversation in the past.</p> <p>9 Q. Have you spoken with any other task</p> <p>10 force members about their deposition testimony?</p> <p>11 A. No.</p> <p>12 Q. You said that you reviewed a few</p> <p>13 reports. Can you tell me what reports you</p> <p>14 reviewed?</p> <p>15 A. Like the letter -- I don't know the</p> <p>16 specific names of it. It was just general</p> <p>17 information about them.</p> <p>18 Q. Reports from this case?</p> <p>19 A. Yes.</p> <p>20 Q. Any reports that you filled out?</p> <p>21 A. No.</p> <p>22 Q. I just want to switch to some</p> <p>23 background questions. Can you tell me what your</p> <p>24 highest level of education is?</p> <p>25 A. A few college courses.</p> <p>9</p>	<p>1 Richard Arrowood</p> <p>2 A. Yes.</p> <p>3 Q. How long was the police academy there?</p> <p>4 A. Roughly six months.</p> <p>5 Q. They taught you general laws of</p> <p>6 arrest, police practices, stuff like that?</p> <p>7 A. Yes.</p> <p>8 Q. How about like how to conduct search</p> <p>9 warrants, best practices for apprehending</p> <p>10 suspects?</p> <p>11 A. Yes.</p> <p>12 Q. When you were with that department,</p> <p>13 did you have any disciplinary issues?</p> <p>14 A. No, not that I remember.</p> <p>15 Q. When you were with that department,</p> <p>16 did you ever discharge your firearm in the</p> <p>17 course of your police duties?</p> <p>18 A. No.</p> <p>19 Q. What happened after 1996, where did</p> <p>20 you go from there?</p> <p>21 A. City of Rochester, the police</p> <p>22 department.</p> <p>23 Q. What brought you to the City of</p> <p>24 Rochester?</p> <p>25 A. I married a girl from here.</p> <p>11</p>
<p>1 Richard Arrowood</p> <p>2 Q. When was that?</p> <p>3 A. The last time I took a college course,</p> <p>4 that I remember, is '08, '09 maybe.</p> <p>5 Q. Was that while you were working with</p> <p>6 the RPD?</p> <p>7 A. Yes.</p> <p>8 Q. When did you graduate high school?</p> <p>9 A. '88.</p> <p>10 Q. What did you do after you graduated</p> <p>11 high school?</p> <p>12 A. Welder in the navy.</p> <p>13 Q. How long were you in the navy for?</p> <p>14 A. Almost six years.</p> <p>15 Q. And then what did you do after you</p> <p>16 completed your time with the navy?</p> <p>17 A. Police officer in West Virginia.</p> <p>18 Q. What department was that?</p> <p>19 A. Capitol Charleston, West Virginia.</p> <p>20 Q. What year did you start there and what</p> <p>21 year did you end there?</p> <p>22 A. '94 to '96.</p> <p>23 Q. When you began your career in West</p> <p>24 Virginia, did you have to go to the police</p> <p>25 academy?</p> <p>10</p>	<p>1 Richard Arrowood</p> <p>2 Q. So you transferred to the Rochester</p> <p>3 Police Department?</p> <p>4 A. I was hired by the Rochester Police</p> <p>5 Department.</p> <p>6 Q. When you got hired by the Rochester</p> <p>7 Police Department, did you have to go to the</p> <p>8 academy?</p> <p>9 A. Yes.</p> <p>10 Q. How long was that?</p> <p>11 A. Roughly six months.</p> <p>12 Q. Was that in 1996 or something else?</p> <p>13 A. '96.</p> <p>14 Q. Again, they taught you general best</p> <p>15 practices for police officers and how to comply</p> <p>16 with the laws in the State of New York?</p> <p>17 A. Yes.</p> <p>18 Q. Did that include apprehension of</p> <p>19 suspects?</p> <p>20 A. Yes.</p> <p>21 Q. Did you have classes on, for example,</p> <p>22 executing search warrants?</p> <p>23 A. Yes.</p> <p>24 Q. Search warrants, arrest warrants also?</p> <p>25 A. Yes.</p> <p>12</p>

<p>1 Richard Arrowood</p> <p>2 Q. After the academy, the next step is</p> <p>3 field training; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. How long is field training?</p> <p>6 A. Three phases of four weeks each and</p> <p>7 then five phases of two weeks. So three, three</p> <p>8 and a half months, maybe four.</p> <p>9 Q. Do you remember who your FTOs were?</p> <p>10 A. Yes.</p> <p>11 Q. Can you tell me who they were?</p> <p>12 A. Dave Williams, he was first and final.</p> <p>13 I can picture the other face and then I can't</p> <p>14 spit out the name. I could picture the other</p> <p>15 two officers. One guy is retired now. I'm</p> <p>16 sorry, maybe I will remember later.</p> <p>17 Q. Field training, it is general</p> <p>18 on-the-ground training, learning how to put into</p> <p>19 practice the things that you learned in the</p> <p>20 academy, is that generally right?</p> <p>21 A. Yes.</p> <p>22 Q. For example, did you have to make</p> <p>23 arrests during your field training?</p> <p>24 A. Yes.</p> <p>25 Q. Did you have to apply for any arrests</p> <p style="text-align: right;">13</p>	<p>1 Richard Arrowood</p> <p>2 Q. At some point were you promoted to</p> <p>3 Sergeant?</p> <p>4 A. No. I was offered Sergeant, but I was</p> <p>5 already Investigator.</p> <p>6 Q. There are different tracks; is that</p> <p>7 right?</p> <p>8 A. I guess that is one way to put it,</p> <p>9 yes.</p> <p>10 Q. Like an Investigator in the hierarchy</p> <p>11 is above a Sergeant?</p> <p>12 A. Correct.</p> <p>13 Q. When were you promoted to</p> <p>14 Investigator?</p> <p>15 A. I believe like September of '20.</p> <p>16 Q. So you were with the Marshals at that</p> <p>17 time?</p> <p>18 A. Yes.</p> <p>19 Q. When you were promoted to</p> <p>20 Investigator, did you have to receive any</p> <p>21 additional training?</p> <p>22 A. Yes.</p> <p>23 Q. Can you describe that training for me?</p> <p>24 A. Field training with another</p> <p>25 Investigator.</p> <p style="text-align: right;">15</p>
<p>1 Richard Arrowood</p> <p>2 or search warrants during your field training?</p> <p>3 A. I'm sure for warrants, arrest</p> <p>4 warrants. I am pretty sure not for search</p> <p>5 warrants.</p> <p>6 Q. And then did you execute those search</p> <p>7 warrants during your field training?</p> <p>8 A. I don't remember any specific</p> <p>9 instances.</p> <p>10 Q. Can you kind of take you me through</p> <p>11 your career with the RPD after you finished your</p> <p>12 field training through today?</p> <p>13 A. In a nutshell, I did about</p> <p>14 twenty years on patrol. I got selected to go to</p> <p>15 Marshals after -- whatever the math is, '96 to</p> <p>16 2018, and spent about almost three years, just</p> <p>17 shy of three years with the Marshals, got made</p> <p>18 Investigator, spent about a year as Investigator</p> <p>19 and then they asked me to come back to the</p> <p>20 Marshals and here I am.</p> <p>21 Q. Can you take me through -- when did</p> <p>22 you first join the Marshals?</p> <p>23 A. I believe it was February of '18.</p> <p>24 Q. What was your rank at that time?</p> <p>25 A. Officer.</p> <p style="text-align: right;">14</p>	<p>1 Richard Arrowood</p> <p>2 Q. Let me ask you this: When you joined</p> <p>3 the Marshals in 2018, on a day-to-day basis,</p> <p>4 would you be working exclusively with the</p> <p>5 Marshals or would you also still be doing like</p> <p>6 regular RPD duties?</p> <p>7 A. No, I wasn't doing regular RPD duties</p> <p>8 anymore. I was with the Marshals. I didn't</p> <p>9 answer to RPD.</p> <p>10 Q. So basically exclusively you would</p> <p>11 work with the Marshals once you were deputized?</p> <p>12 A. Yes.</p> <p>13 Q. So how did it work when you did your</p> <p>14 field training as an Investigator, was that like</p> <p>15 through the Marshals or did you go back to the</p> <p>16 RPD for that?</p> <p>17 A. Rephrase that.</p> <p>18 Q. At the time that you were promoted to</p> <p>19 an Investigator, were you still working</p> <p>20 exclusively with the U.S. Marshals?</p> <p>21 A. For a year as Investigator with RPD.</p> <p>22 Q. I'm sorry, I was confused about that.</p> <p>23 In 2018, you go to the Marshals, you're an</p> <p>24 officer and then -- I'm sorry, I forget what</p> <p>25 year you were promoted to Investigator?</p> <p style="text-align: right;">16</p>

<p>1 Richard Arrowood</p> <p>2 A. I believe September of '20.</p> <p>3 Q. In September of '20, you go back to</p> <p>4 the RPD for about a year?</p> <p>5 A. Yes.</p> <p>6 Q. Can you just give me a general</p> <p>7 overview of what your job duties are as an</p> <p>8 Investigator with the RPD?</p> <p>9 A. Investigating crimes, get fielded to</p> <p>10 patrol investigations. It is usually felonies.</p> <p>11 It could range from a simple larceny to grand</p> <p>12 larceny all the way to a shooting.</p> <p>13 Q. So your job is to basically dig and</p> <p>14 get more details about crimes and apprehending</p> <p>15 suspects?</p> <p>16 A. Yes.</p> <p>17 Q. Aside from the field training, did you</p> <p>18 receive any other training about good and</p> <p>19 accepted police practices for your role as an</p> <p>20 Investigator?</p> <p>21 A. I don't remember any specific other</p> <p>22 training.</p> <p>23 Q. I guess my question is, is there any</p> <p>24 kind of academy training when you get promoted</p> <p>25 to Investigator or is it just the field</p> <p style="text-align: right;">17</p>	<p>1 Richard Arrowood</p> <p>2 supposed to be doing operations without a U.S.</p> <p>3 Marshal being with us.</p> <p>4 Q. You said the deputies oversaw you and</p> <p>5 you weren't supposed to do anything without a</p> <p>6 U.S. Marshal being with you. I have a couple of</p> <p>7 follow ups to that. When you say the deputies</p> <p>8 oversaw you, do you mean the Sheriff's Deputies?</p> <p>9 A. U.S. Marshals.</p> <p>10 Q. On the team, there is only a few U.S.</p> <p>11 Marshals, right?</p> <p>12 A. Yes.</p> <p>13 Q. Would it be fair to say there is more</p> <p>14 members from the team from the RPD and the</p> <p>15 Sheriff's Office and the State Police then there</p> <p>16 are Marshals?</p> <p>17 A. Yes.</p> <p>18 Q. When you joined the U.S. Marshals, did</p> <p>19 you receive any rules, regulations, that would</p> <p>20 be, for example, the equivalent of the Rochester</p> <p>21 Police Department's general orders?</p> <p>22 A. Yes.</p> <p>23 Q. What were those called?</p> <p>24 A. Just Marshals' -- I don't know the</p> <p>25 specific name of it. Just U.S. Marshals'</p> <p style="text-align: right;">19</p>
<p>1 Richard Arrowood</p> <p>2 training?</p> <p>3 A. Field training.</p> <p>4 Q. After that field training, is there</p> <p>5 further ongoing training in your role as an</p> <p>6 Investigator?</p> <p>7 A. Not officially.</p> <p>8 Q. When you joined the task force, was</p> <p>9 there specific training that the task force</p> <p>10 provided when you first joined the task force?</p> <p>11 A. We eventually do get training.</p> <p>12 Q. Is there like an academy when you</p> <p>13 first join?</p> <p>14 A. When I first joined, there wasn't.</p> <p>15 Q. How did you learn how to perform your</p> <p>16 job duties as a task force member?</p> <p>17 A. Probably a lot of like field training.</p> <p>18 Q. Basically on-the-ground training with</p> <p>19 other members of the task force?</p> <p>20 A. In the beginning, yes.</p> <p>21 Q. Were you, for example, assigned to</p> <p>22 someone that would be the equivalent of a field</p> <p>23 training officer?</p> <p>24 A. The deputies always oversaw us. We</p> <p>25 weren't supposed to be out in -- we weren't</p> <p style="text-align: right;">18</p>	<p>1 Richard Arrowood</p> <p>2 policies and procedures.</p> <p>3 Q. Did they give you a booklet or</p> <p>4 anything?</p> <p>5 A. I don't remember specifically.</p> <p>6 Q. Would that have been like their</p> <p>7 standard operating procedures?</p> <p>8 A. Yes.</p> <p>9 Q. Is that something that you carry</p> <p>10 around with you during your job duties to refer</p> <p>11 to?</p> <p>12 A. No.</p> <p>13 Q. My understanding is that the police</p> <p>14 academy for the RPD will be given tests, you</p> <p>15 know, about your knowledge of the general</p> <p>16 orders. Was there ever any kind of equivalent</p> <p>17 to that for the Marshals with their standard</p> <p>18 operating procedures?</p> <p>19 A. I don't remember having a test on</p> <p>20 them.</p> <p>21 Q. Let's back up a little bit. One thing</p> <p>22 in your role as both an Investigator and with</p> <p>23 the Marshals would include intelligence</p> <p>24 gathering; is that fair to say?</p> <p>25 MR. CAMPOLIETO: Note my objection.</p> <p style="text-align: right;">20</p>

<p>1 Richard Arrowood</p> <p>2 A. Yes.</p> <p>3 Q. Would you agree that thorough</p> <p>4 intelligence gathering is critical for officer</p> <p>5 safety in operational success?</p> <p>6 A. Yes.</p> <p>7 Q. What types of intelligence gathering</p> <p>8 should be done before executing a high-risk</p> <p>9 warrant?</p> <p>10 A. In general?</p> <p>11 Q. Let's say a high-risk arrest warrant,</p> <p>12 you know, in general, what do best practices</p> <p>13 require in terms of intelligence gathering</p> <p>14 before that warrant is executed?</p> <p>15 MR. CAMPOLIETO: Objection. You can</p> <p>16 answer.</p> <p>17 A. The nature of the crime, the history</p> <p>18 of the subject, weapons involved, weapons</p> <p>19 possibly in play, how many, you know, weapons,</p> <p>20 how many subjects, you know, the background of</p> <p>21 the location. You know, is it a drug house, is</p> <p>22 it a regular house.</p> <p>23 Q. When you are gathering that</p> <p>24 intelligence, how should the accuracy of that</p> <p>25 intelligence be verified before the warrant is</p> <p>21</p>	<p>1 Richard Arrowood</p> <p>2 can answer.</p> <p>3 A. Can you make it a more simple</p> <p>4 question? The importance of the accuracy of the</p> <p>5 intelligence, you know...</p> <p>6 Q. Sure. When you gather intelligence,</p> <p>7 you need to make sure it is accurate, correct?</p> <p>8 A. Correct.</p> <p>9 Q. How do you do that?</p> <p>10 A. How do you determine if the</p> <p>11 information is accurate?</p> <p>12 Q. Yes. How do you verify the accuracy</p> <p>13 of the intelligence?</p> <p>14 A. I have confidence in police reports</p> <p>15 and prior police reports, you know, reports done</p> <p>16 by fellow officers and things and I guess you</p> <p>17 judge by where the information comes from.</p> <p>18 Q. So one thing is the credibility of the</p> <p>19 source of the information?</p> <p>20 A. Yes.</p> <p>21 Q. I guess what I am getting at is,</p> <p>22 before you execute a warrant, you know, for</p> <p>23 officer's safety issues specifically, you want</p> <p>24 to make sure that there is only one person in a</p> <p>25 house instead of ten, right?</p> <p>23</p>
<p>1 Richard Arrowood</p> <p>2 executed?</p> <p>3 MR. CAMPOLIETO: Objection.</p> <p>4 A. (No response.)</p> <p>5 Q. When your attorney objects, it is a</p> <p>6 note for the record, in the written record. If</p> <p>7 he is going to direct you not to answer, he will</p> <p>8 make it very explicit and say, don't answer that</p> <p>9 question. Do you want me to repeat the</p> <p>10 question?</p> <p>11 A. Yes.</p> <p>12 Q. When you are planning an operation and</p> <p>13 gathering intelligence, what are the best</p> <p>14 practices for ensuring the accuracy or verifying</p> <p>15 the accuracy of the intelligence before the</p> <p>16 warrant is executed to ensure officer safety and</p> <p>17 operational success?</p> <p>18 A. The importance of the accuracy, it is</p> <p>19 very important.</p> <p>20 Q. I'm sorry, that was a long question.</p> <p>21 Let me try to make it clearer. What are the</p> <p>22 best practices for going about verifying the</p> <p>23 accuracy of the intelligence that has been</p> <p>24 gathered?</p> <p>25 MR. CAMPOLIETO: Objection. But you</p> <p>22</p>	<p>1 Richard Arrowood</p> <p>2 MR. CAMPOLIETO: Objection.</p> <p>3 A. Yes, if that could be done.</p> <p>4 Q. How about operational planning, can</p> <p>5 you describe the components of comprehensive</p> <p>6 operational planning for a warrant execution?</p> <p>7 MR. CAMPOLIETO: Objection.</p> <p>8 A. We brief it, you gather all of the</p> <p>9 information, you make sure your guys understand,</p> <p>10 you know, hopefully have a good understanding of</p> <p>11 the location and maybe some contingency plans,</p> <p>12 you know, good coverage, proper amount of guys</p> <p>13 to, you know, do the task.</p> <p>14 Q. So one thing you mentioned is an</p> <p>15 operational plan. How important is it to have a</p> <p>16 written preoperational plan?</p> <p>17 A. A written preoperational plan?</p> <p>18 Q. Yes.</p> <p>19 A. I don't know if that is important.</p> <p>20 Q. So the U.S. Marshals' standard</p> <p>21 operating procedures generally require a written</p> <p>22 preoperational plan, that is why I am asking</p> <p>23 that question.</p> <p>24 MR. CAMPOLIETO: Object to the form</p> <p>25 of the question.</p> <p>24</p>

<p>1 Richard Arrowood</p> <p>2 Q. Let me ask another question. How</p> <p>3 often in your time with the Marshals before</p> <p>4 there is an execution of an arrest warrant is a</p> <p>5 written preoperational plan completed?</p> <p>6 A. Each situation is different. I don't</p> <p>7 have, you know, specific, when we have something</p> <p>8 written down and when we don't.</p> <p>9 Q. When was the last time that you</p> <p>10 remember having a written preoperational plan?</p> <p>11 A. Like a detailed plan?</p> <p>12 Q. Yes.</p> <p>13 A. I don't remember.</p> <p>14 Q. Anything in writing that is</p> <p>15 disseminated or briefed to the team?</p> <p>16 A. I don't remember.</p> <p>17 Q. In your time with the RPD, were you</p> <p>18 ever on the SWAT team?</p> <p>19 A. Yes.</p> <p>20 Q. With the SWAT team, there is a</p> <p>21 preoperational plan, correct?</p> <p>22 A. Yes.</p> <p>23 Q. That's written out and you guys will</p> <p>24 sit down and have a brief meeting prior to the</p> <p>25 operation?</p> <p style="text-align: right;">25</p>	<p>1 Richard Arrowood</p> <p>2 Q. As opposed to the SWAT team at the RPD</p> <p>3 where that does happen, correct?</p> <p>4 A. Yes.</p> <p>5 Q. What contingency measures should be</p> <p>6 included in an operational plan before an arrest</p> <p>7 warrant is executed?</p> <p>8 MR. CAMPOLIETO: Objection. You can</p> <p>9 answer.</p> <p>10 A. So what contingency plan should be --</p> <p>11 Q. What contingency measures, what types</p> <p>12 of risks should you be thinking about and</p> <p>13 planning for when you are preparing an</p> <p>14 operational plan to execute a warrant?</p> <p>15 A. Maybe just have a plan if he leaves</p> <p>16 before you are able to knock on the door or get</p> <p>17 in a car or walks down the street.</p> <p>18 Q. Those are the types of things that</p> <p>19 should be considered and planned for before you</p> <p>20 go to execute a warrant, right?</p> <p>21 A. Right.</p> <p>22 Q. And those are the types of things that</p> <p>23 should be discussed at a briefing with the team</p> <p>24 prior to the execution of a warrant, right?</p> <p>25 A. Yes.</p> <p style="text-align: right;">27</p>
<p>1 Richard Arrowood</p> <p>2 A. Yes.</p> <p>3 Q. Is the similar process followed with</p> <p>4 the U.S. Marshals?</p> <p>5 A. The U.S. Marshals is not a SWAT team.</p> <p>6 Q. My question is, is there a similar</p> <p>7 process where there is a written preoperational</p> <p>8 plan that you sit down with the U.S. Marshals'</p> <p>9 team and brief before execution of a warrant?</p> <p>10 A. I am sure it happens. I don't</p> <p>11 remember the last time that happened. We do get</p> <p>12 involved in more serious cases. I just don't</p> <p>13 remember specific...</p> <p>14 Q. It is fair to say that the process is</p> <p>15 different, correct?</p> <p>16 A. Correct.</p> <p>17 Q. It sounds like the process is less</p> <p>18 formal; is that fair?</p> <p>19 MR. CAMPOLIETO: Objection.</p> <p>20 A. Yes, I would say it is less formal.</p> <p>21 Q. So you don't follow like a standard</p> <p>22 procedure where there is a written operational</p> <p>23 plan that is briefed every time a warrant is</p> <p>24 executed, correct?</p> <p>25 A. Correct.</p> <p style="text-align: right;">26</p>	<p>1 Richard Arrowood</p> <p>2 Q. How about risk assessment, can you</p> <p>3 explain the process for conducting a risk</p> <p>4 assessment before a warrant execution?</p> <p>5 A. Repeat that, please.</p> <p>6 Q. Sure. What are the types of -- what</p> <p>7 factors should be considered when evaluating</p> <p>8 potential dangers prior to executing a warrant?</p> <p>9 A. If there is injury, you know, maybe</p> <p>10 the route to the closest hospital to where you</p> <p>11 are doing the operation.</p> <p>12 Q. I think you mentioned earlier that it</p> <p>13 is important to know, for example, how many</p> <p>14 people might be inside the residence. Is that</p> <p>15 another thing?</p> <p>16 A. Yes.</p> <p>17 Q. And whether they are potentially</p> <p>18 armed?</p> <p>19 A. Yes.</p> <p>20 Q. Anything else like that that could go</p> <p>21 to officer safety?</p> <p>22 A. I am sure I could sit here and ponder</p> <p>23 answers, I am sure there are other answers to</p> <p>24 give.</p> <p>25 Q. These are the all types of things that</p> <p style="text-align: right;">28</p>

<p>1 Richard Arrowood</p> <p>2 should go into any comprehensive plan before a</p> <p>3 warrant is executed, correct?</p> <p>4 A. Correct.</p> <p>5 Q. That's what best practices would</p> <p>6 require?</p> <p>7 MR. CAMPOLIETO: Objection.</p> <p>8 A. Yes.</p> <p>9 Q. Different tactical considerations,</p> <p>10 like what are the best practices for deciding</p> <p>11 between entering a residence versus waiting for</p> <p>12 a suspect to leave to apprehend him?</p> <p>13 A. What are some of the best -- repeat</p> <p>14 that.</p> <p>15 Q. Sure. What are the best practices for</p> <p>16 deciding between entering a residence to</p> <p>17 apprehend a suspect versus setting up like</p> <p>18 surveillance and waiting for that person to</p> <p>19 leave the residence and apprehend them outside</p> <p>20 or something else?</p> <p>21 A. For example, if he was a shooter, I</p> <p>22 would probably want to wait for him to leave the</p> <p>23 house.</p> <p>24 Q. When you say if he was a shooter, do</p> <p>25 you mean if you are going to apprehend somebody</p> <p>29</p>	<p>1 Richard Arrowood</p> <p>2 where he is not so comfortable like in his own</p> <p>3 house where he knows every inch of his house.</p> <p>4 Q. So, in general, it would be safer to</p> <p>5 apprehend somebody outside of their house than</p> <p>6 inside their house; is that fair?</p> <p>7 A. Every situation is different. I just</p> <p>8 gave an example. Every situation is different.</p> <p>9 Maybe if he is a fast guy on his feet, maybe if</p> <p>10 he is a fast runner, you know, you want to wait</p> <p>11 for him to get on foot and he is six-two and one</p> <p>12 hundred and eighty pounds and he can run, you</p> <p>13 know, a mile really, really fast and jump</p> <p>14 fences, you want to take him outside or do you</p> <p>15 want to get him in the house.</p> <p>16 Q. Those are all things that would go</p> <p>17 into the intelligence gathering and operational</p> <p>18 planning process, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Can you describe the ideal command</p> <p>21 structure for a warrant execution operation?</p> <p>22 MR. CAMPOLIETO: Objection.</p> <p>23 A. A command structure of a warrant</p> <p>24 execution operation?</p> <p>25 Q. Just an ideal command structure, maybe</p> <p>31</p>
<p>1 Richard Arrowood</p> <p>2 who is a suspected, like, shooter in a crime</p> <p>3 that you are going to arrest him for, is that</p> <p>4 what you mean?</p> <p>5 A. Yes.</p> <p>6 Q. What other types of things should you</p> <p>7 weigh in terms of risks for the different</p> <p>8 apprehension methods?</p> <p>9 A. Say that again.</p> <p>10 Q. Sure. How should law enforcement</p> <p>11 weigh the risks of different apprehension</p> <p>12 methods? It sounds like what you are saying --</p> <p>13 A. This is more or less what I have</p> <p>14 answered with the question before that.</p> <p>15 Q. I guess my question is really, you</p> <p>16 said if he was a shooter, that means you might</p> <p>17 wait for him to leave the residence. So to me,</p> <p>18 I guess what that means is, you're saying</p> <p>19 entering the home would be more dangerous than</p> <p>20 waiting for him to leave the home?</p> <p>21 A. Yes, he would be more comfortable in</p> <p>22 the house. I would think there would be more of</p> <p>23 a risk of us getting shot if we go in the house</p> <p>24 to confront someone who just shot somebody. So</p> <p>25 I would probably wait to have him in an area</p> <p>30</p>	<p>1 Richard Arrowood</p> <p>2 not exactly what happens with the Marshals, but,</p> <p>3 you know, what should the hierarchy of the team</p> <p>4 that is executing the warrant be in?</p> <p>5 MR. CAMPOLIETO: Objection.</p> <p>6 A. I guess the Case Agent would be the</p> <p>7 one with last say on the case, I guess, if that</p> <p>8 is the hierarchy.</p> <p>9 Q. So there should be someone that is</p> <p>10 basically in charge?</p> <p>11 MR. CAMPOLIETO: Objection.</p> <p>12 A. Yes. I mean, I think the Case Agent</p> <p>13 has a lot of weigh on the case because it is his</p> <p>14 case.</p> <p>15 Q. On the U.S. Marshals, is there a</p> <p>16 general hierarchy within the team?</p> <p>17 A. A general hierarchy of the team, I</p> <p>18 would guess that the U.S. Marshals, the Deputy</p> <p>19 U.S. Marshal on a day-to-day basis, you know,</p> <p>20 it's a U.S. Marshals' team, so I would venture</p> <p>21 to say they are the ones that are more or less</p> <p>22 in charge.</p> <p>23 Q. So with the RPD SWAT team, there is</p> <p>24 like the SWAT team commander, right?</p> <p>25 A. Yes.</p> <p>32</p>

<p>1 Richard Arrowood</p> <p>2 Q. Was that Aaron Springer when you were</p> <p>3 on the team or somebody else?</p> <p>4 A. Yes.</p> <p>5 Q. So Springer would have been the</p> <p>6 commanding officer, everything would have to be</p> <p>7 cleared by him at that time for the SWAT team?</p> <p>8 A. I think it was Baxter and then Eric</p> <p>9 Paul.</p> <p>10 Q. So whoever it was, they had the final</p> <p>11 say on any SWAT team operation when you were a</p> <p>12 SWAT commander, right?</p> <p>13 A. On a SWAT team, they would have the</p> <p>14 say.</p> <p>15 Q. Is there any equivalent person on the</p> <p>16 U.S. Marshals' task force?</p> <p>17 MR. CAMPOLIETO: Objection.</p> <p>18 A. The Marshal.</p> <p>19 Q. You mean like the person that is</p> <p>20 actually not out in the field with you?</p> <p>21 A. I mean, you are asking me about the</p> <p>22 hierarchy of the U.S. Marshals. The U.S.</p> <p>23 Marshals of the City of Rochester is the guy.</p> <p>24 Q. And then in the SWAT team, there would</p> <p>25 be like an assistant commander and then there</p> <p style="text-align: right;">33</p>	<p>1 Richard Arrowood</p> <p>2 A. No, not on paper.</p> <p>3 Q. But in practice, is that how it works?</p> <p>4 A. Skill levels, people's skill levels,</p> <p>5 you know, different people's skill levels I</p> <p>6 would say comes into play.</p> <p>7 Q. Is there like a designated tactical</p> <p>8 leader?</p> <p>9 A. On paper, there is not a designated</p> <p>10 leader.</p> <p>11 Q. But that is not on paper anywhere,</p> <p>12 that is kind of informally how it has been</p> <p>13 decided?</p> <p>14 A. I would agree with that.</p> <p>15 Q. For example, there is no requirement</p> <p>16 that DeVinney like signoff on operational plans</p> <p>17 before a warrant is executed?</p> <p>18 MR. CAMPOLIETO: Objection. You can</p> <p>19 answer, if you know.</p> <p>20 A. I don't know.</p> <p>21 Q. So as far as you know, there's not?</p> <p>22 A. What was the question?</p> <p>23 Q. As far as you know, there's no</p> <p>24 requirement that DeVinney signoff on operational</p> <p>25 plans before a warrant is executed?</p> <p style="text-align: right;">35</p>
<p>1 Richard Arrowood</p> <p>2 would be team leaders. Is there any similar</p> <p>3 hierarchy in the Marshals' task force?</p> <p>4 MR. CAMPOLIETO: Objection.</p> <p>5 A. Not that I am aware of.</p> <p>6 Q. For example, on the task force, do you</p> <p>7 have any specific designated role?</p> <p>8 A. I am the -- I would say my role is</p> <p>9 developed in being the surveillance guy.</p> <p>10 Q. Is that an informal role, like you</p> <p>11 don't have a title written down on a piece of</p> <p>12 paper as the surveillance guy?</p> <p>13 A. Yes.</p> <p>14 Q. Is that kind of how the team operates</p> <p>15 like informally like that?</p> <p>16 A. With me, I guess.</p> <p>17 Q. I guess what I am saying is, people</p> <p>18 kind of just develop into specified roles that</p> <p>19 they occupy informally instead of having like a</p> <p>20 commanding officer designate them officially</p> <p>21 into some specific role; is that fair to say?</p> <p>22 MR. CAMPOLIETO: Objection.</p> <p>23 A. With me, I would say it's fair to say.</p> <p>24 Q. Like there is not like an entry team</p> <p>25 and a perimeter team for the U.S. Marshals?</p> <p style="text-align: right;">34</p>	<p>1 Richard Arrowood</p> <p>2 A. He doesn't officially have to signoff</p> <p>3 on an operational plan.</p> <p>4 Q. You said that you have gotten some</p> <p>5 training since you've joined the U.S. Marshals.</p> <p>6 Can you describe what types of training task</p> <p>7 force members received for warrant executions?</p> <p>8 A. Usually attend annual training out of</p> <p>9 state. There's a lot of shooting, a lot of room</p> <p>10 entry techniques. Periodically throughout the</p> <p>11 year DeVinney will conduct training with us, the</p> <p>12 same, vehicle operations, entry operations,</p> <p>13 shooting.</p> <p>14 Q. How often does the DeVinney training</p> <p>15 occur?</p> <p>16 A. Bi-monthly, sometimes monthly.</p> <p>17 Q. Do you do like scenario based</p> <p>18 exercises for warrant executions?</p> <p>19 MR. CAMPOLIETO: Objection.</p> <p>20 A. Yes, we do scenario based as well.</p> <p>21 Q. Can you kind of describe that for me?</p> <p>22 A. You get a scenario, you get, you know,</p> <p>23 roughly seeing like a man with a gun and shots</p> <p>24 fired and, you know, you've got to react to it.</p> <p>25 Q. Do you have like a facility where you</p> <p style="text-align: right;">36</p>

<p>1 Richard Arrowood</p> <p>2 will practice warrant execution?</p> <p>3 A. There is no set facilities. It is</p> <p>4 whatever is available for them to find.</p> <p>5 Q. Like the training facilities or</p> <p>6 whatever the normal training facilities in the</p> <p>7 area?</p> <p>8 A. Yes.</p> <p>9 Q. Can you tell me how many times you</p> <p>10 have discharged your firearm in your law</p> <p>11 enforcement career?</p> <p>12 A. Separate incidents, maybe five.</p> <p>13 Q. I think I know about two of them. So</p> <p>14 you shot at a dog in 2017, right, were you</p> <p>15 including that?</p> <p>16 A. Yes.</p> <p>17 Q. And then there was the incident in</p> <p>18 Buffalo on June 19, 2020?</p> <p>19 A. Yes, Buffalo area.</p> <p>20 Q. Can you tell me about the other three</p> <p>21 incidents?</p> <p>22 A. Deer.</p> <p>23 Q. All deer?</p> <p>24 A. Yes.</p> <p>25 Q. Like a deer that gets hit by a car and</p> <p>37</p>	<p>1 Richard Arrowood</p> <p>2 Q. When you -- I am unfamiliar with some</p> <p>3 of the terms. So when you say you sat it, does</p> <p>4 that mean like surveillance or something else?</p> <p>5 A. Conduct a surveillance.</p> <p>6 Q. What kind of surveillance was</p> <p>7 conducted?</p> <p>8 A. Eyes, you know, visible surveillance</p> <p>9 of a person.</p> <p>10 Q. To make sure that he was at the</p> <p>11 location?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know if there was a written</p> <p>14 operational plan that was created for that</p> <p>15 warrant execution?</p> <p>16 A. I don't remember making up one, so I</p> <p>17 am assuming, no, there wasn't one.</p> <p>18 Q. You said it was briefed a couple of</p> <p>19 times with the team?</p> <p>20 A. Yes.</p> <p>21 Q. Earlier you said if there was a</p> <p>22 dangerous shooter, that might be an instance</p> <p>23 where you would wait for the suspect to leave</p> <p>24 the residence. Is that something that was</p> <p>25 considered in the Dana Smith incident?</p> <p>39</p>
<p>1 Richard Arrowood</p> <p>2 needs to be put out of its misery basically?</p> <p>3 A. I think all three of them were hit by</p> <p>4 a car.</p> <p>5 Q. So the only non-deer incidents was the</p> <p>6 dog and the Smith incident?</p> <p>7 A. Yes, that I recall.</p> <p>8 Q. Can you walk us through the planning</p> <p>9 process for the Dana Smith operation in Buffalo?</p> <p>10 A. Walk through the planning operation?</p> <p>11 Q. Yes. So my understanding is that</p> <p>12 Mr. Smith was tracked to a house in the Buffalo</p> <p>13 area and the task force executed a warrant</p> <p>14 operation there; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. Can you tell me about the</p> <p>17 investigation and planning process prior to the</p> <p>18 execution of the warrant in that case?</p> <p>19 A. Briefed by the MSCO guys on the case,</p> <p>20 you know, the serious violence of the case. It</p> <p>21 was a pretty brutal murder. We learned that he</p> <p>22 was in Niagara Falls, we met up there and</p> <p>23 briefed and sat it. I believe we went back and</p> <p>24 I believe we briefed it again and sat it and</p> <p>25 then, you know...</p> <p>38</p>	<p>1 Richard Arrowood</p> <p>2 A. So simplify that question again.</p> <p>3 Q. Yes. When we were discussing various</p> <p>4 options earlier, one thing I believe you</p> <p>5 testified to was that if the person was a</p> <p>6 shooter, that might be an instance where you</p> <p>7 would wait for them to leave the residence to</p> <p>8 apprehend them instead of going into the house.</p> <p>9 So my question is, is that something</p> <p>10 you considered with the Dana Smith incident,</p> <p>11 waiting for him to leave the house to make the</p> <p>12 apprehension versus making entry?</p> <p>13 A. So he did leave and went back and then</p> <p>14 the order was given to surround the house. That</p> <p>15 wasn't my order.</p> <p>16 Q. Who gave that order?</p> <p>17 A. The Marshal.</p> <p>18 Q. So the Marshal for the -- what is it,</p> <p>19 the New Jersey Atlantic Task Force, is that your</p> <p>20 task force?</p> <p>21 A. Yes.</p> <p>22 Q. So like the actual Marshal for that</p> <p>23 area's task force said to go and surround the</p> <p>24 perimeter?</p> <p>25 A. Yes.</p> <p>40</p>

<p>1 Richard Arrowood</p> <p>2 Q. Is it normal that that Marshal is</p> <p>3 involved in the warrant apprehensions?</p> <p>4 A. He sometimes periodically is involved.</p> <p>5 Q. When he is involved, then he would be</p> <p>6 like the commanding officer?</p> <p>7 A. He is the Marshal.</p> <p>8 Q. Do you know why he was involved there;</p> <p>9 was it because it was a more dangerous</p> <p>10 apprehension?</p> <p>11 MR. CAMPOLIETO: Objection.</p> <p>12 A. I don't know why.</p> <p>13 Q. Do you know if there were any other</p> <p>14 types of risk assessments conducted before that</p> <p>15 warrant was executed since it was a dangerous</p> <p>16 suspect that you were apprehending?</p> <p>17 A. I am sure we had risk assessments, but</p> <p>18 I don't remember specifically.</p> <p>19 Q. Do you remember any specifics of any</p> <p>20 of the briefings, what types of things you</p> <p>21 talked about before the warrant was executed?</p> <p>22 A. Three or four years, I don't remember</p> <p>23 specifics.</p> <p>24 Q. Do you remember if there were any</p> <p>25 alternative methods of apprehending him that</p> <p style="text-align: right;">41</p>	<p>1 Richard Arrowood</p> <p>2 A. When the order was given to surround</p> <p>3 the house, I was one of the first guys there, I</p> <p>4 was probably the first guy there, and then this</p> <p>5 guy came and walked outside and looked down the</p> <p>6 street and I saw him and he runs back in the</p> <p>7 house and I am right after him in pursuit.</p> <p>8 Q. Can you take me through the incident</p> <p>9 from there, the order is given, you show up at</p> <p>10 the house, you see him and then you chase him</p> <p>11 into the house?</p> <p>12 A. I think I just said that.</p> <p>13 Q. Can you just take me through what</p> <p>14 happened from there?</p> <p>15 A. Me and Chuck chased him in the house,</p> <p>16 he is hiding behind the door, digging in his</p> <p>17 crotch for something and then he runs to the</p> <p>18 back of the house and then there was a struggle</p> <p>19 there. Then he runs to the front, the back of</p> <p>20 the house and there is a struggle there. Then,</p> <p>21 you know, I am put in a position where I had to</p> <p>22 discharge my firearm and he was taken into</p> <p>23 custody.</p> <p>24 Q. Can you explain a little bit more</p> <p>25 about -- you said you were put in a situation</p> <p style="text-align: right;">43</p>
<p>1 Richard Arrowood</p> <p>2 were considered, such as waiting for him to</p> <p>3 leave the house?</p> <p>4 MR. CAMPOLIETO: Objection. The</p> <p>5 previous answer, he stated he left the</p> <p>6 house.</p> <p>7 A. He did leave the house.</p> <p>8 Q. You said he left the house and he went</p> <p>9 back in. I guess my question is -- the</p> <p>10 apprehension was made when he was inside the</p> <p>11 house. So was there ever a consideration of</p> <p>12 trying to apprehend him, like waiting for him to</p> <p>13 leave the house again to apprehend him?</p> <p>14 A. I remember there was concern that he</p> <p>15 was spooked, which means he was, you know, alert</p> <p>16 and we believed he was alerted to the police</p> <p>17 presence there. I remember there being fear</p> <p>18 that he would run and get out and get away from</p> <p>19 us. I believe that is why the order was given</p> <p>20 to surround the house.</p> <p>21 Q. Earlier you said that your role had</p> <p>22 sort of developed into like a surveillance type</p> <p>23 of role, but in this case you made entry into</p> <p>24 the house. Why was your role different in this</p> <p>25 situation?</p> <p style="text-align: right;">42</p>	<p>1 Richard Arrowood</p> <p>2 where you had to discharge your firearm. Can</p> <p>3 you explain that, like what happened?</p> <p>4 A. So he pulled a knife out. I could</p> <p>5 have broken away from him, I was on my feet,</p> <p>6 Chuck wasn't, he was wrestling with the guy. He</p> <p>7 was like in a sitting position. He couldn't get</p> <p>8 away from Smith and I had to make the decision</p> <p>9 to protect my partner.</p> <p>10 Q. So they were in a physical altercation</p> <p>11 and Smith had a knife and so that would present</p> <p>12 a deadly force and so you shot him?</p> <p>13 MR. CAMPOLIETO: Objection. You can</p> <p>14 answer.</p> <p>15 A. Yes.</p> <p>16 Q. Were you conducting the surveillance</p> <p>17 prior to the execution of the warrant or</p> <p>18 somebody else?</p> <p>19 A. Yes, I was conducting the</p> <p>20 surveillance. I don't know if anybody else was</p> <p>21 conducting surveillance, but I was conducting</p> <p>22 surveillance.</p> <p>23 Q. So that's why you were there first?</p> <p>24 MR. CAMPOLIETO: Objection.</p> <p>25 A. Yes.</p> <p style="text-align: right;">44</p>

<p>1 Richard Arrowood</p> <p>2 Q. After the incident, was there like a</p> <p>3 formal debriefing conducted?</p> <p>4 A. There were a formal debriefing</p> <p>5 afterwards.</p> <p>6 Q. Did that result in like an</p> <p>7 after-action report being written?</p> <p>8 A. I don't know.</p> <p>9 Q. Is it typical for the U.S. Marshals</p> <p>10 Task Force to write after-action reports?</p> <p>11 MR. CAMPOLIETO: Objection. You can</p> <p>12 answer.</p> <p>13 A. So is it typical that the U.S.</p> <p>14 Marshals write an action report? I am not a</p> <p>15 supervisor with the Marshals, so I don't know.</p> <p>16 Q. I guess my understanding is from your</p> <p>17 testimony and other member's testimony is that</p> <p>18 there is not really a supervisor on the team,</p> <p>19 right, so you would all kind of be in the</p> <p>20 position to write an after-action report, right?</p> <p>21 A. I wasn't tasked with writing an</p> <p>22 after-action report and I don't know who was or</p> <p>23 if that was tasked out.</p> <p>24 Q. In your time with the U.S. Marshals</p> <p>25 Task Force, have you ever been tasked with</p> <p style="text-align: right;">45</p>	<p>1 Richard Arrowood</p> <p>2 A. It is one of the bad parts of the job.</p> <p>3 It didn't change anything.</p> <p>4 Q. After that incident, you were given</p> <p>5 several awards, correct?</p> <p>6 A. Several? I might have gotten one or</p> <p>7 two.</p> <p>8 Q. One was the Distinguished Service</p> <p>9 Award; is that right?</p> <p>10 A. I don't remember.</p> <p>11 Q. Let's talk about the Dedrick James'</p> <p>12 operation. Do you remember what intelligence</p> <p>13 was gathered about Dedrick James about the</p> <p>14 warrant execution?</p> <p>15 A. I just remember having a brief</p> <p>16 understanding of the incident that made him</p> <p>17 wanted.</p> <p>18 Q. When you said that made him wanted, do</p> <p>19 you mean, like, what led to the issuance of the</p> <p>20 warrant for his arrest?</p> <p>21 A. Yes, what he did.</p> <p>22 Q. Do you know if there was like a full</p> <p>23 background check that was conducted?</p> <p>24 A. I don't know.</p> <p>25 Q. My understanding is that you were</p> <p style="text-align: right;">47</p>
<p>1 Richard Arrowood</p> <p>2 writing an after-action report?</p> <p>3 A. Not that I remember, no.</p> <p>4 Q. After the Smith incident, were there</p> <p>5 any discussions held about how the operation</p> <p>6 could have been conducted differently or more</p> <p>7 safely?</p> <p>8 MR. CAMPOLIETO: Objection.</p> <p>9 A. I don't remember having a conversation</p> <p>10 like that afterwards, no.</p> <p>11 Q. Were there any changes made to the</p> <p>12 task force's policies or practices after that</p> <p>13 incident?</p> <p>14 A. Not that I am aware of.</p> <p>15 Q. How did that incident inform your</p> <p>16 approach to future operations, if at all?</p> <p>17 A. I don't think it had a direct impact</p> <p>18 on my operations.</p> <p>19 Q. I mean, I just assumed that being</p> <p>20 involved in a shooting is always a difficult</p> <p>21 thing, no matter what, right? I mean, that is</p> <p>22 why I asked if it changed your approach in any</p> <p>23 way to try and be avoid being put in that</p> <p>24 position again.</p> <p>25 MR. CAMPOLIETO: Objection.</p> <p style="text-align: right;">46</p>	<p>1 Richard Arrowood</p> <p>2 involved in the surveillance prior to the</p> <p>3 execution of the warrant; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. Can you take me through what your role</p> <p>6 was in the warrant execution, in the</p> <p>7 surveillance that you did? Just tell me what</p> <p>8 happened basically.</p> <p>9 A. I remember assisting with the</p> <p>10 surveillance and then the decision was made to,</p> <p>11 you know, approach the house and I assisted by</p> <p>12 going into the backyard and take a perimeter</p> <p>13 point to keep contain of the house.</p> <p>14 Q. Let's back up a little bit. Was there</p> <p>15 a briefing beforehand?</p> <p>16 A. Before the case or before approaching</p> <p>17 the house?</p> <p>18 Q. Let me back up a little bit, those are</p> <p>19 bad questions. When you first became aware of</p> <p>20 the warrant, was that like at a briefing with</p> <p>21 the team or something else?</p> <p>22 A. I don't remember. I am not saying</p> <p>23 there wasn't, I just don't remember the</p> <p>24 briefing.</p> <p>25 Q. How does that typically work when</p> <p style="text-align: right;">48</p>

<p>1 Richard Arrowood</p> <p>2 someone brings a warrant to the rest of the</p> <p>3 team, how is the rest of the team made aware of</p> <p>4 it?</p> <p>5 A. My common practice is -- well, common</p> <p>6 practice is we meet up somewhere and discuss the</p> <p>7 case.</p> <p>8 Q. Is there any kind of written rule</p> <p>9 about how information about a warrant is</p> <p>10 disseminated to the rest of the team?</p> <p>11 A. A specific rule about how it is</p> <p>12 disseminated?</p> <p>13 Q. Yes, like a rule that, hey, you need</p> <p>14 to type up a one-page memo with certain</p> <p>15 information contained in it and give a copy of</p> <p>16 that memo to all of the team members. Is there</p> <p>17 any kind of rule like that?</p> <p>18 A. No.</p> <p>19 Q. So the way it would normally be done</p> <p>20 is getting together in person to discuss the</p> <p>21 warrant?</p> <p>22 A. I'm sorry, could you repeat that?</p> <p>23 Q. The question was, the way that the</p> <p>24 information about the warrant would be</p> <p>25 communicated to the rest of the team members</p> <p>49</p>	<p>1 Richard Arrowood</p> <p>2 A. Yes, you get the case, you know, you</p> <p>3 let the guys know and you come up with a plan</p> <p>4 and you tell the rest of the guys about it.</p> <p>5 Q. The person that comes up with the plan</p> <p>6 would be like the assigned team member?</p> <p>7 A. Whoever the case agent would be would</p> <p>8 be the guy who would probably to decide on how</p> <p>9 to pursue the case.</p> <p>10 Q. So the case agent would decide how to</p> <p>11 pursue the case. Does that have to be signed</p> <p>12 off by any particular member of the team or like</p> <p>13 a vote of all of the team members or anything</p> <p>14 like that?</p> <p>15 A. I am not aware of signing off on</p> <p>16 anything.</p> <p>17 Q. Do you know if there was a written</p> <p>18 operational plan created for the Dedrick James'</p> <p>19 incident?</p> <p>20 A. I don't know. Not that I am aware of.</p> <p>21 Q. Do you know how the decision was made</p> <p>22 to enter the James' residence?</p> <p>23 A. Do I know how the decision was made to</p> <p>24 enter the residence?</p> <p>25 Q. Yes. I guess it was a bad question.</p> <p>51</p>
<p>1 Richard Arrowood</p> <p>2 would be gathering in person to discuss the</p> <p>3 warrant; is that right?</p> <p>4 A. There is a common practice of</p> <p>5 disseminating information. The common practice</p> <p>6 would be to meet up and discuss the case.</p> <p>7 Q. That is like when the case first comes</p> <p>8 into the assigned officer?</p> <p>9 A. I believe that would be, yes, that</p> <p>10 would be a good idea.</p> <p>11 Q. So you're one of the RPD guys. So RPD</p> <p>12 has a warrant that they want to pass onto the</p> <p>13 task force, they contact you, you give the</p> <p>14 warrant and then you tell the rest of the team</p> <p>15 members about it?</p> <p>16 A. Yes.</p> <p>17 Q. So that would be like before --</p> <p>18 normally that would occur before the first day</p> <p>19 -- normally that would occur before the day that</p> <p>20 the warrant is executed, you would get it, you</p> <p>21 would do some intelligence, gathering</p> <p>22 surveillance and then later execute the warrant,</p> <p>23 is that the general process or something else?</p> <p>24 MR. CAMPOLIETO: Objection. You can</p> <p>25 answer.</p> <p>50</p>	<p>1 Richard Arrowood</p> <p>2 Versus some other method of apprehension, like</p> <p>3 waiting for him to leave the house?</p> <p>4 A. Well, we conducted surveillance for, I</p> <p>5 mean, for a time.</p> <p>6 Q. On the day of the incident, how were</p> <p>7 you asked to conduct surveillance?</p> <p>8 A. How? Watching it.</p> <p>9 Q. I mean, did another team member</p> <p>10 contact you and ask you to go to the residence</p> <p>11 to do surveillance?</p> <p>12 A. Yes.</p> <p>13 Q. Who was that?</p> <p>14 A. Jeff.</p> <p>15 Q. He was the Case Agent?</p> <p>16 A. Yes.</p> <p>17 Q. He testified basically that he was</p> <p>18 doing surveillance and then he had to go to do a</p> <p>19 random drug test, so he asked you to come and do</p> <p>20 the surveillance; is that right?</p> <p>21 A. That is possibly how it went down.</p> <p>22 Q. Do you remember how long you were</p> <p>23 conducting surveillance for?</p> <p>24 A. For a time in the morning, I believe.</p> <p>25 Q. Do you remember what you were looking</p> <p>52</p>


<p>1 Richard Arrowood</p> <p>2 for when you were conducting the surveillance?</p> <p>3 A. I remember there was a car involved.</p> <p>4 Q. Did you ever see Dedrick James enter</p> <p>5 or leave the house?</p> <p>6 A. I don't remember seeing him entering</p> <p>7 or leaving. I don't think so.</p> <p>8 Q. Do you remember seeing his car?</p> <p>9 A. Yes, I believe his car was there.</p> <p>10 Q. So the car was there the whole time?</p> <p>11 A. I don't know about the whole time. I</p> <p>12 believe I remember seeing it.</p> <p>13 Q. When you went to the scene, Jeff was</p> <p>14 there and basically you released him, is that</p> <p>15 what happened or something else?</p> <p>16 A. Well, if he left to go to do a drug</p> <p>17 test, then, yes, I believe that is a good</p> <p>18 assumption that I relieved him.</p> <p>19 Q. Did he eventually come back?</p> <p>20 A. Yes.</p> <p>21 Q. Did he relieve you when he came back</p> <p>22 or what happened when he came back?</p> <p>23 A. I don't remember.</p> <p>24 Q. Do you remember on the day of the</p> <p>25 incident if there was another pre-execution</p> <p style="text-align: right;">53</p>	<p>1 Richard Arrowood</p> <p>2 Q. Do you know why it wasn't left to the</p> <p>3 patrol officers?</p> <p>4 A. It was a State Police case, it wasn't</p> <p>5 City of Rochester case.</p> <p>6 Q. So would State Police not have had</p> <p>7 jurisdiction or something to come and arrest</p> <p>8 him?</p> <p>9 A. Would the State Police not have</p> <p>10 jurisdiction? Yes, State Police had</p> <p>11 jurisdiction.</p> <p>12 Q. Do you know why the State Police</p> <p>13 didn't just show up and arrest him?</p> <p>14 A. That is what Jeff is, Jeff is State</p> <p>15 Police.</p> <p>16 Q. I guess instead of like referring it</p> <p>17 to the task force, is there any reason why one</p> <p>18 of his colleagues from the State Police couldn't</p> <p>19 just have knocked on the door?</p> <p>20 A. He is the State Police guy. I mean,</p> <p>21 he is working mostly in the City of Rochester, I</p> <p>22 mean, send it to him. That's what I would do.</p> <p>23 Q. My understanding is that your team</p> <p>24 generally gets involved when it's more dangerous</p> <p>25 warrant situations. Is that not the case?</p> <p style="text-align: right;">55</p>
<p>1 Richard Arrowood</p> <p>2 briefing with other team members?</p> <p>3 A. I don't remember a pre-execution</p> <p>4 briefing.</p> <p>5 Q. How does it work before you execute a</p> <p>6 warrant like this, do you guys get together in a</p> <p>7 staging area and then approach the house</p> <p>8 together or something else?</p> <p>9 MR. CAMPOLIETO: Objection.</p> <p>10 A. Every case is different.</p> <p>11 Q. Do you remember what happened here?</p> <p>12 A. I just remember we were conducting</p> <p>13 surveillance and I remember we were approaching</p> <p>14 the house. I don't remember all of the details.</p> <p>15 Q. Do you remember any factors that were</p> <p>16 considered in assessing the risks of this</p> <p>17 particular operation?</p> <p>18 A. I remember it was a little low level,</p> <p>19 this guy injured a little kid with a toothbrush</p> <p>20 by pulling the toothbrush too fast out of his</p> <p>21 mouth, you know, that was the violence of this</p> <p>22 case. It didn't involve a gun, it was not a</p> <p>23 shooting, you know, it was a pretty low level</p> <p>24 case, almost something that you would leave to</p> <p>25 patrol officers, you know.</p> <p style="text-align: right;">54</p>	<p>1 Richard Arrowood</p> <p>2 A. That is usually the case. But</p> <p>3 different agencies bring on different cases.</p> <p>4 You know, it was an assault, so it met the</p> <p>5 criteria. It was a felony assault, it meets the</p> <p>6 criteria. You know, if it doesn't meet the</p> <p>7 criteria, if it is like a larceny, like</p> <p>8 shoplifting over \$1,000 and there was no</p> <p>9 violence, I mean, that doesn't meet our</p> <p>10 criteria. But since it was an assault second,</p> <p>11 it met our criteria.</p> <p>12 Q. That makes sense. Do you know if it</p> <p>13 was ever discussed like trying to apprehend him</p> <p>14 in a different manner, like waiting for him to</p> <p>15 get in his car and conducting a controlled</p> <p>16 traffic stop?</p> <p>17 A. I know we were conducting</p> <p>18 surveillance. I mean, I don't -- I know it</p> <p>19 would have been ideal to see him come out and</p> <p>20 take him.</p> <p>21 Q. You don't remember being given</p> <p>22 instructions when you were doing surveillance to</p> <p>23 pull him over, if he left the house and got the</p> <p>24 in car?</p> <p>25 A. I don't remember, no. They wouldn't</p> <p style="text-align: right;">56</p>

<p>1 Richard Arrowood</p> <p>2 be telling me to do that.</p> <p>3 Q. What would you have done if he had</p> <p>4 gotten in his car and started to drive away when</p> <p>5 you were doing the surveillance?</p> <p>6 A. Alert the rest of the team.</p> <p>7 Q. When a warrant like this is executed,</p> <p>8 do team members come with like less lethal</p> <p>9 equipment as an option to use, I don't know,</p> <p>10 like a TASER?</p> <p>11 A. So I believe some of the members have</p> <p>12 TASERS.</p> <p>13 Q. Are there any other less lethal</p> <p>14 options that you guys normally carry during a</p> <p>15 warrant execution like this?</p> <p>16 A. Some of the guys might have batons.</p> <p>17 Beyond that, I am not aware.</p> <p>18 Q. How about like bean bag guns?</p> <p>19 A. No, not that I am aware of.</p> <p>20 Q. Do you know if there was any</p> <p>21 designated tactical leader for this operation,</p> <p>22 other than Ulatowski being the Case Agent?</p> <p>23 A. He is the guy that I remember being in</p> <p>24 charge of the case.</p> <p>25 Q. Slightly different question from</p> <p>57</p>	<p>1 Richard Arrowood</p> <p>2 again, from the approach, you went to the</p> <p>3 perimeter and kind of explain what you remember?</p> <p>4 A. I remember walking to the house, going</p> <p>5 into the backyard and taking a point at the back</p> <p>6 of the house more toward the driveway side or</p> <p>7 toward -- if I am looking at the house, I was</p> <p>8 more -- I am in the backyard, being at the back</p> <p>9 of the house, looking at the house, I was more</p> <p>10 to the left, that's what I remember.</p> <p>11 Q. When you guys are conducting an</p> <p>12 operation, how do you communicate, by the radio</p> <p>13 or something else?</p> <p>14 A. Radio.</p> <p>15 Q. Does the task force have like a</p> <p>16 special radio or a certain channel that you use?</p> <p>17 A. We usually use a tactical channel.</p> <p>18 Q. Do you know if that channel is</p> <p>19 recorded?</p> <p>20 A. I don't know.</p> <p>21 Q. So you're in the back and then what</p> <p>22 happens, eventually you -- what happens next,</p> <p>23 after they approach the front?</p> <p>24 A. I was in the back and at the time I</p> <p>25 remember hearing someone radio that he is</p> <p>59</p>
<p>1 Richard Arrowood</p> <p>2 before. Is there like a specific command</p> <p>3 structure during the execution of a warrant,</p> <p>4 like is it just follow the Case Agent's lead or</p> <p>5 something else?</p> <p>6 A. I just remember this being such a low</p> <p>7 level case and I remember Jeff being the lead on</p> <p>8 this.</p> <p>9 Q. When you say a low level case, that</p> <p>10 would be like after conducting all of the</p> <p>11 background information and everything, there was</p> <p>12 nothing that indicated that it would be a</p> <p>13 dangerous apprehension --</p> <p>14 MR. CAMPOLIETO: Objection.</p> <p>15 Q. -- or is that just based on the nature</p> <p>16 of the crime that he was being arrested for?</p> <p>17 A. Again, I didn't do the research and I</p> <p>18 am answering my questions because of what I know</p> <p>19 and it's a toothbrush with a little kid, you</p> <p>20 know, it's a pretty minor case, so I believe</p> <p>21 that is why the decision was made.</p> <p>22 Q. You said during the incident you were</p> <p>23 part of the perimeter team; is that right?</p> <p>24 A. Yes.</p> <p>25 Q. Can you take me through the incident,</p> <p>58</p>	<p>1 Richard Arrowood</p> <p>2 running and it made me more alert. Nobody came</p> <p>3 out a window or anything. So, you know, I</p> <p>4 eventually know that the perimeter was all set</p> <p>5 to break down.</p> <p>6 Q. Did you hear the gunshot?</p> <p>7 A. I don't remember hearing the gunshot.</p> <p>8 Q. Could you hear anything else from</p> <p>9 within the house?</p> <p>10 A. I don't remember, no. Nothing that I</p> <p>11 remember.</p> <p>12 Q. Did you ever enter the house at all?</p> <p>13 A. I could have. But I specifically</p> <p>14 don't remember going inside the house.</p> <p>15 Q. Did you ever speak with the</p> <p>16 grandmother?</p> <p>17 A. I don't remember talking to her.</p> <p>18 Q. Did you ever take any statements from</p> <p>19 or speak with any other witnesses?</p> <p>20 A. I don't remember doing that, no.</p> <p>21 Q. After the incident, was there like a</p> <p>22 debrief meeting?</p> <p>23 A. Immediately after, I don't remember</p> <p>24 having a debrief meeting. There could have</p> <p>25 been, but I don't remember.</p> <p>60</p>

<p>1 Richard Arrowood</p> <p>2 Q. At some point did you guys get</p> <p>3 together and talk about what happened?</p> <p>4 A. I am sure we did. I just don't</p> <p>5 remember.</p> <p>6 Q. As a result of this incident, were</p> <p>7 there any changes to the protocols of the task</p> <p>8 force that were made?</p> <p>9 A. I don't remember. I don't think there</p> <p>10 were any changes made.</p> <p>11 Q. Are there any changes that you would</p> <p>12 recommend to improve officer's safety for future</p> <p>13 warrants based on what happened in this</p> <p>14 situation?</p> <p>15 A. I don't know anything that we could do</p> <p>16 to make it safer.</p> <p>17 Q. At the time of this incident, the task</p> <p>18 members were not required to wear body cameras,</p> <p>19 right?</p> <p>20 A. Yes, we weren't. I don't think</p> <p>21 anybody had body cameras back then.</p> <p>22 Q. Today, do task force members wear body</p> <p>23 cameras?</p> <p>24 A. I believe the Sheriff's Office wear</p> <p>25 them and I believe the U.S. Deputies wear them.</p> <p>61</p>	<p>1 Richard Arrowood</p> <p>2 Q. Were you a member of the Mobile Field</p> <p>3 Force during that time?</p> <p>4 A. Yes.</p> <p>5 Q. What was your role on the Mobile Field</p> <p>6 Force at that time?</p> <p>7 A. Just another team member.</p> <p>8 Q. So you weren't like a supervisor or</p> <p>9 anything like that?</p> <p>10 A. No.</p> <p>11 Q. When you were named as a defendant in</p> <p>12 that lawsuit, did you read a copy of the</p> <p>13 Complaint that was filed?</p> <p>14 A. I believe I looked it over.</p> <p>15 Q. Do you recall the allegations?</p> <p>16 A. I believe the person alleging</p> <p>17 wrongdoing was the lady in the wheelchair.</p> <p>18 Q. Stephanie Woodward?</p> <p>19 A. I believe so.</p> <p>20 Q. I just want to show you a copy of the</p> <p>21 Complaint and ask you one question. Give me one</p> <p>22 second, I am going to try and share the screen.</p> <p>23 MR. CAMPOLIETO: This is the</p> <p>24 Complaint of the Woodward case?</p> <p>25 MR. SHIELDS: Correct.</p> <p>63</p>
<p>1 Richard Arrowood</p> <p>2 Q. RPD doesn't wear them?</p> <p>3 A. Correct.</p> <p>4 Q. Do you know why that is?</p> <p>5 A. It's policy that RPD is not issued a</p> <p>6 camera while in plainclothes details.</p> <p>7 Q. I guess I didn't realize that</p> <p>8 Marshals' assignment was a plainclothes detail,</p> <p>9 but that is what you are telling me. So my</p> <p>10 question is, U.S. Marshals' assignment from the</p> <p>11 RPD is a plainclothes detail?</p> <p>12 A. Yes.</p> <p>13 Q. Just a few other questions. Have you</p> <p>14 ever been named as a defendant in any other</p> <p>15 lawsuits arising from your career as a law</p> <p>16 enforcement officer?</p> <p>17 A. Yes.</p> <p>18 Q. How many?</p> <p>19 A. The protesting, you know, the</p> <p>20 protestors, the riots in Rochester.</p> <p>21 Q. Do you know if you were just named as</p> <p>22 a defendant in one of those lawsuits or more</p> <p>23 than one?</p> <p>24 A. I believe I am only named in one of</p> <p>25 the riot lawsuits.</p> <p>62</p>	<p>1 Richard Arrowood</p> <p>2 MR. SHIELDS: So this is the Second</p> <p>3 Amended Complaint that was filed.</p> <p>4 Q. Can you see that on your screen?</p> <p>5 A. Yes.</p> <p>6 Q. My question is, if you can tell, I</p> <p>7 don't know if you can, if you are depicted in</p> <p>8 the Complaint, in this picture, if you can tell,</p> <p>9 if one of these people, one of the police</p> <p>10 officers is you?</p> <p>11 A. It might. I mean, I don't know a</p> <p>12 hundred percent for sure. But that might be me</p> <p>13 directly right in the middle.</p> <p>14 Q. When you say directly in the middle,</p> <p>15 do you mean the officer that appears to be</p> <p>16 closest to Ms. Woodward?</p> <p>17 A. Yes. I can't see the face, so I don't</p> <p>18 know.</p> <p>19 Q. Let me ask you this: At the time of</p> <p>20 the protest, did you have a beard?</p> <p>21 A. I don't know.</p> <p>22 Q. I mean, I grow a beard and I shave it</p> <p>23 off periodically. Is that something you do or</p> <p>24 do you always have a beard or is that something</p> <p>25 new for you?</p> <p>64</p>

<p>1 Richard Arrowood</p> <p>2 A. Lately I have been keeping it.</p> <p>3 Q. But you don't recall in September of</p> <p>4 2020 if you had a beard or not?</p> <p>5 A. I mean, during this time, I am not</p> <p>6 sure.</p> <p>7 Q. I am going to take that down. I just</p> <p>8 have a couple more questions about that case.</p> <p>9 Do you know at the time if the</p> <p>10 Rochester Police Department had any wheelchair</p> <p>11 accessible transportation vehicles?</p> <p>12 A. I don't know.</p> <p>13 Q. Do you recall how Ms. Woodward was</p> <p>14 transported, if at all, with her wheelchair</p> <p>15 after her arrest?</p> <p>16 A. I didn't do the transport. I don't</p> <p>17 know.</p> <p>18 Q. Do you recall on that day whether the</p> <p>19 Sheriff's Deputies were transporting arrestees</p> <p>20 in County owned transportation vehicles?</p> <p>21 A. Say that question again.</p> <p>22 Q. So basically Ms. Woodward's allegation</p> <p>23 in that Complaint is that neither the RPD nor</p> <p>24 the County of Monroe had wheelchair accessible</p> <p>25 transportation vehicles and on that day, the</p> <p style="text-align: right;">65</p>	<p>1 Richard Arrowood</p> <p>2 her, what's wrong with you?</p> <p>3 A. No.</p> <p>4 Q. Do you remember her explaining that</p> <p>5 part of her disability is that she has to use</p> <p>6 the bathroom frequently?</p> <p>7 A. I just know that she was in a</p> <p>8 wheelchair.</p> <p>9 Q. Do you remember any discussion among</p> <p>10 the officers about potentially transporting her</p> <p>11 by lifting her out of her wheelchair and placing</p> <p>12 her in a police vehicle?</p> <p>13 A. No, I don't.</p> <p>14 Q. In your time with the RPD, have you</p> <p>15 ever transported a wheelchair user after an</p> <p>16 arrest?</p> <p>17 MR. CAMPOLIETO: Objection. You can</p> <p>18 answer.</p> <p>19 A. I am sure I have. I just don't</p> <p>20 remember.</p> <p>21 MR. CERRONE: I want to jump in</p> <p>22 here. Discovery is generally pretty</p> <p>23 broad and open ended in civil cases, but</p> <p>24 I think we are getting far afield. I</p> <p>25 think a certain amount of questions</p> <p style="text-align: right;">67</p>
<p>1 Richard Arrowood</p> <p>2 City had contracted with the County to use</p> <p>3 Sheriff's Deputies' vans to transport the</p> <p>4 arrestees. Do you recall that at all, whether</p> <p>5 the County Sheriffs had been tasked with</p> <p>6 transporting arrestees on that day?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you recall if there were any</p> <p>9 discussions among the officers who arrested Ms.</p> <p>10 Woodward about how she might be transported</p> <p>11 after her arrest?</p> <p>12 A. I don't know. I wasn't part of the</p> <p>13 transportation.</p> <p>14 Q. Do you recall being part of the</p> <p>15 arrest?</p> <p>16 A. I remember approaching her and dealing</p> <p>17 with her.</p> <p>18 Q. Can you tell me what you remember</p> <p>19 about approaching her and dealing with her?</p> <p>20 A. I remember her being in a wheelchair.</p> <p>21 Q. Do you remember anything that you said</p> <p>22 to her or she said to you?</p> <p>23 A. No, I don't remember the specific</p> <p>24 conversation.</p> <p>25 Q. Do you remember any officers saying to</p> <p style="text-align: right;">66</p>	<p>1 Richard Arrowood</p> <p>2 concerning the Woodward case would not be</p> <p>3 inappropriate. But getting into the</p> <p>4 case, specific questions about that</p> <p>5 particular case, that has absolutely</p> <p>6 nothing to do with this case, and I would</p> <p>7 just respectfully ask plaintiff's counsel</p> <p>8 to move on.</p> <p>9 MR. SHIELDS: I am going to move on.</p> <p>10 My understanding is that for the U.S.</p> <p>11 Marshals, basically they have to have a</p> <p>12 clean disciplinary record, so I wanted to</p> <p>13 get to the point of saying, okay, what</p> <p>14 happened here and was there any kind of</p> <p>15 investigation or discipline that was</p> <p>16 looked into after the incident because I</p> <p>17 feel like that could potentially impact</p> <p>18 his membership with the Marshals'</p> <p>19 service, that is how it is relevant.</p> <p>20 MR. CAMPOLIETO: Well, there is no</p> <p>21 discipline, we know that. There is no</p> <p>22 discipline. If you want to finish up,</p> <p>23 please go ahead.</p> <p>24 MR. SHIELDS: I am almost done.</p> <p>25 Q. At the time of the Woodward incident,</p> <p style="text-align: right;">68</p>

<p>1 Richard Arrowood</p> <p>2 were you aware of any RPD policies or procedures</p> <p>3 for transporting arrestees with mobility issues</p> <p>4 like Ms. Woodward?</p> <p>5 A. Was I aware of any policies?</p> <p>6 Q. Yes. Do you know if the RPD has any</p> <p>7 policies about what you are supposed to do when</p> <p>8 you arrest a wheelchair user?</p> <p>9 A. I am sure there is a policy somewhere,</p> <p>10 but I don't know. I didn't transport her, I</p> <p>11 wasn't involved in transporting her.</p> <p>12 Q. So what happened after you placed her</p> <p>13 under arrest?</p> <p>14 MR. CAMPOLIETO: Objection. You can</p> <p>15 answer.</p> <p>16 A. I just remember dealing with her for a</p> <p>17 short time and I believe another officer, you</p> <p>18 know, took over and then I didn't have any more</p> <p>19 contact with her.</p> <p>20 Q. So after the initial contact, you</p> <p>21 weren't involved in any of the decisions about</p> <p>22 getting her to the public safety building?</p> <p>23 A. I was not involved in any of the</p> <p>24 transporting. I was not involved in any</p> <p>25 decisionmaking on how to get her there.</p> <p style="text-align: right;">69</p>	<p>1 Richard Arrowood</p> <p>2 from the United States. Thank you,</p> <p>3 Detective.</p> <p>4 MR. SHIELDS: Do you have any</p> <p>5 questions, John?</p> <p>6 MR. CAMPOLIETO: No questions.</p> <p>7 THE REPORTER: Counsel, will you be</p> <p>8 ordering a copy of the transcript?</p> <p>9 MR. CERRONE: I am taking a copy,</p> <p>10 e-mail only.</p> <p>11 MR. CAMPOLIETO: I will take a copy,</p> <p>12 e-mail and hard copy.</p> <p>13 THE REPORTER: Thank you.</p> <p>14 (Whereupon, the examination of this</p> <p>15 witness was concluded at 12:40 P.M.)</p> <p style="text-align: right;">71</p>
<p>1 Richard Arrowood</p> <p>2 Q. Are you aware of any changes in RPD's</p> <p>3 policies after the Woodward incident or as a</p> <p>4 result of her lawsuit with respect to</p> <p>5 transporting individuals with mobility issues?</p> <p>6 MR. CAMPOLIETO: Objection. There</p> <p>7 are discussions and there are changes, I</p> <p>8 don't think that this is the appropriate</p> <p>9 witness. But he can answer it, if he</p> <p>10 can.</p> <p>11 A. I don't know of any changes coming</p> <p>12 about or because of that. I don't know.</p> <p>13 Q. Is there anything else about the</p> <p>14 Dedrick James' incident with respect to changes</p> <p>15 or best practices in warrant operations that we</p> <p>16 haven't covered that you would like to add?</p> <p>17 A. I don't know of any changes because of</p> <p>18 that incident.</p> <p>19 Q. Anything else that is pertinent to the</p> <p>20 incident or your role that we haven't discussed?</p> <p>21 A. Not that I am aware of.</p> <p>22 MR. SHIELDS: Detective, thank you</p> <p>23 for your time. Those are all of my</p> <p>24 questions for today.</p> <p>25 MR. CERRONE: I have no questions</p> <p style="text-align: right;">70</p>	<p>1</p> <p>2 A C K N O W L E D G E M E N T</p> <p>3</p> <p>4 STATE OF NEW YORK)</p> <p>5 ss:</p> <p>6 COUNTY OF)</p> <p>7 I, RICHARD ARROWOOD, hereby certify that</p> <p>8 I have read the transcript of my testimony taken</p> <p>9 under oath in my deposition of October 4, 2024;</p> <p>10 that the transcript is a true, complete and</p> <p>11 correct record of what was asked, answered and</p> <p>12 said during this deposition, and that the</p> <p>13 answers on the record as given by me are true</p> <p>14 and correct.</p> <p>15</p> <p>16 _____</p> <p>17 RICHARD ARROWOOD</p> <p>18 Subscribed and sworn to before me</p> <p>19 this day of , 2024.</p> <p>20 _____</p> <p>21 Notary Public</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">72</p>

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2	I N D E X
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4	EXAMINATION OF BY PAGE
5	Richard Arrowood Mr. Shields 6-71
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2	C E R T I F I C A T E
3	I, SHARON CASSIDY, a Notary Public of the
4	State of New York do hereby:
5	That the testimony in the within
6	proceeding was held before me at the aforesaid
7	time and place.
8	That said witness was duly sworn before
9	the commencement of the testimony, and that he
10	testimony was taken stenographically by me, then
11	transcribed under my supervision, and that the
12	within transcript is a true record of the
13	testimony of said witness.
14	I further certify that I am not related
15	to any of the parties to this action by blood or
16	marriage, that I am not interested directly or
17	indirectly in the matter in controversy, nor am
18	I in the employ of any of the counsel.
19	IN WITNESS WHEREOF, I have hereunto set
20	my hand this 31st day of October, 2024.
21	
22	
23	 SHARON CASSIDY
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